

S.B. Cr. Misc. Petition No. 1582/2007
(Vardhman Surana Vs. State of Rajasthan & Anr.)

Date of order : 19.11.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. Mukul Singhvi for the petitioner.
Mr. Ashok Upadhhay, P.P.
Mr. I.R.Choudhary for the respondent No.2.

In compliance of the order of this Court, Kumari Gunjan is present in Court. The respondent No.2 Laxmi Narayan father of Gunjan is also present in Court.

By the instant petition under Section 482 Cr.P.C., the petitioner has challenged the order dated 17.9.2007 passed by Additional Chief Judicial Magistrate, Nagaur (for short 'the trial court' hereinafter), whereby the trial court allowed the application filed by respondent No.2 Laxmi Narayan and directed to give the custody of Gunjan to him being her father and natural guardian. The respondent No.2 was further directed to take all care of Kumari Gunjan. However, the application filed by the petitioner seeking custody of Kumari Gunjan came to be dismissed. Hence this petition.

As per the material available on record, the date of birth of Kumari Gunjan is 07.11.1989 and as such on 06.11.2007 she has attained the age of 18 years and as on date she is major.

I have asked her desire as to whether she would like to go with the petitioner or to continue to live with her father. She has expressed her desire that she is major and presently she wishes to live with her father. Even otherwise, she is major

and no direction for her custody can now be given. In the circumstances, therefore, in my view, Kumari Gunjan being major and is in a position to understand her well beings and therefore, she is free to move wherever she wishes and is set at her liberty. The order impugned is modified to this extent.

The criminal misc. petition is accordingly disposed of.

(H.R.PANWAR), J.

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S.B. Cr. Misc. Stay Petition No. 1070/2007

In

S.B.Criminal Misc. Petition No. 1582/07

(Vardhman Surana Vs. State of Rajasthan & Anr.)

Date of order : 19.11.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. Mukul Singhvi for the petitioner.

Mr. Ashok Upadhhay, P.P.

Mr. I.R.Choudhary for the respondent No.2.

Since the criminal misc. petition itself has been disposed of, the stay petition also stands disposed of.

(H.R.PANWAR), J.

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